

**Dec 03, 2018**

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

TROY B.,<sup>1</sup>

Plaintiff,

v.

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

No. 4:18-CV-5035-EFS

**ORDER GRANTING STIPULATED  
MOTION FOR REMAND**

**JUDGMENT: REVERSED AND  
REMANDED**

Before the Court, without oral argument, is the parties' Stipulated Motion for Remand, ECF No. 19. The parties ask the Court to remand this case for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g).<sup>2</sup> The parties seek remand for the Administrative Law Judge to further develop the record and update the medical records, hold a de novo hearing, and issue a new decision. Additionally, the parties expressly agree that the Administrative Judge shall also:

<sup>1</sup> To protect the privacy of social-security plaintiffs, the Court refers to them by first name and last initial. *See* LCivR 5.2(c).

<sup>2</sup> That section states, in relevant part: "The court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing." 42 U.S.C. § 405(g).

- Reevaluate and further develop the medical opinions of record;
- If warranted, obtain medical expert testimony to reconsider the nature and severity of Plaintiff's impairments;
- Reevaluate Plaintiff's residual functional capacity pursuant to SSR 96-8p; and
- Reevaluate steps four and five with the assistance of a vocational expert and consider that evidence pursuant to SSR 00-4p.

Having considered the parties' request and the record as a whole, the Court grants the Motion and remands this case for further administrative proceedings. Upon proper presentation, the Court will consider a motion by Plaintiff for attorney fees under the Equal Access to Justice Act.

Accordingly, **IT IS HEREBY ORDERED:**

1. The parties' Stipulated Motion for Remand, **ECF No. 19**, is **GRANTED**.
2. Pursuant to 42 U.S.C. § 405(g), this case is **REVERSED** and **REMANDED** to the Social Security Administration for further proceedings consistent with this Order and the parties' stipulation.
3. All pending motions are **DENIED AS MOOT**.
4. All hearings and other deadlines are **STRICKEN**.
5. **JUDGMENT** is to be entered in Plaintiff's favor.
6. The case shall be **CLOSED**.

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**IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order and provide copies to all counsel.

**DATED** this 3<sup>rd</sup> day of December 2018.

s/Edward F. Shea  
EDWARD F. SHEA  
Senior United States District Judge